



S/N 10/804,844

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alan G. Smith	Examiner:	Unknown
Serial No.:	10/804,844	Group Art Unit:	Unknown
Filed:	March 18, 2004	Docket:	600.532US1
Title:	METHODS TO CONFER ENHANCED FLORAL PROPERTIES TO PLANTS		

---

COMMUNICATION UNDER 37 CFR § 1.821

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed August 12, 2004, Applicant provides the following remarks with respect to the requirement for an initial computer readable form (CRF) of the "Sequence Listing," an initial paper copy or compact disc copy of the "Sequence Listing," as well as an amendment directing the sequence its entry into the application, and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter.

As stated in 37 C.F.R. § 1.821(a) ("Nucleotide and/or amino acid sequence disclosures in patent applications"), "[n]ucleotide and/or amino acid sequences as used in §§ 1.821 through 1.825 are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides." Applicant respectfully submits that the above-identified patent application does not contain any sequences which fall within the definition of nucleotide and/or amino sequences provided by 37 C.F.R. § 1.821(a). The sequence identifiers located in the patent application (see, for example, page 29, lines 18-26 and page 31, lines 6-7) are referencing specific sequences located in other documents. For example, the instant specification at page 29, line 18; recites "WO 01/12799 (see, e.g., SEQ IDNO:10 therein)...." "SEQ ID NO:10" is referring to the sequence given the sequence identifier "SEQ ID NO:10" in WO 01/12799. Thus, it is Applicant's position that sequences in Applicant's specification that are referenced by a sequence identifier provided in another document do not fall within the definition of nucleotide sequences provided by 37 C.F.R. § 1.821(a) ("unbranched sequences of ten or more nucleotides"). Therefore, they do not need to be presented in a sequence listing

COMMUNICATION

Serial Number: 10/804,844

Filing Date: March 18, 2004

Title: METHODS TO CONFER ENHANCED FLORAL PROPERTIES TO PLANTS

Page 2

Dkt: 600.532US1

which complies with the requirements of 37 C.F.R. §§ 1.821-1.825.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALAN G. SMITH

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6959

Date

October 4, 2004

By

Janet E Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of October, 2004.

Name

Julie A. Lindseth

Signature

Julie A. Lindseth